

ADDENDUM NO. 2
TO
CITY OF AUBURN, MAINE
LONGLEY BRIDGE UNDERPASS/COURT & MAIN STREET INTERSECTION
IMPROVEMENTS PROJECT
April 2, 2009

This addendum amends and/or supplements the bid documents as indicated below. Only these items alter the Bid Documents. Any verbal discussions or responses are hereby declared null and void.

CLARIFICATIONS TO THE BID DOCUMENTS:

The following questions have been submitted regarding the bid documents:

1. *Are Federal or State wage rates applicable for this contract and if so, what are they?*

This contract is a Locally Administered Project (LAP) with portions of the funding coming from the City of Auburn, MDOT, & FHWA. As such, the project is required to adhere to the Davis-Bacon Act. All information regarding wage determinations for each labor classification can be found at <http://www.gpo.gov/davisbacon/me.html>

2. *Is a listing of MBE/WBE subs required to be submitted as part of the bid?*

In order for a bid to be accepted and considered complete, the MDOT Contractor's DBE Subcontractor Proposed Utilization Form must be completed and submitted with ss part of the bid proposal. This form is included in Section 9 – Pull out Section, of the Specifications on page 187.

3. *Which quality control method for concrete will be required for the project?*

Quality Control Method C shall be used for all concrete placed on the project. Any reference to Quality Control Methods A & B shall be deleted in their entirety and replaced with Method C.

4. *What areas can be used for staging and access during construction?*

Included as attachments to this addendum are site plans for the parcels on the north and south sides of the Longley Bridge, which indicate property which is owned by the City of Auburn. These plans are included as a reference and are for information only. Access to the businesses and parking must be maintained at all times. It shall be the Contractor's responsibility to obtain permission from private property owners prior to encroaching private property to access the project site. Any damage to public or private property, and all surface restoration resulting from staging, construction traffic, etc., shall be the responsibility of the Contractor at no additional cost to the Owner.

5. *What is the maximum plank length allowed for the concrete bridge deck?*

The typical precast panel length per MDOT standard detail 502(08) is 2400 mm. The Contractor may use panel widths up to 12'-0" wide. The precast panels are 3.5" thick and must be overlaid with 4.5" of concrete to achieve the total 8" thick bridge deck. The upper cast-in-place overlay must be reinforced with #5 bars @ 6" o.c. (main) and #5 bars @ 12" (t/s).

6. *Will the Contractor be allowed to apply any loads to the existing Longley Bridge?*

The Maine Department of Transportation will need to be notified of any work in close proximity to the existing bridge including applying additional load to the bridge.

The contact at MDOT is listed below:

John E. Buxton, P.E.
Bridge Maintenance Engineer
MaineDOT
State House Station 16
Augusta, ME 04333-0016
Phone: (207) 624-3588
Fax: (207) 623-2526
Cell: (207) 592-7821
Email: john.buxton@maine.gov

7. *Is sealed concrete required for the bridge decking?*

The concrete bridge deck and curbs shall be sealed with certi-vex penseal 244 Voc-aim manufactured by Vexon Chemicals, or approved equal. The extent of bridge deck sealer is indicated by dashed lines on Section 10/S-06. Concrete sealer shall also be applied to both abutment concrete slabs.

8. *How will rock excavation be handled for construction including the installation of slope protection (sheet piles, etc.)?*

Test borings were not completed along the section where the proposed retaining wall is being constructed. Should ledge be encountered in this location, it shall be paid under Item 203.21 of the Base Bid.

9. *Has the City obtained the proper permitting for work in proximity to the river and does this include existing tree removal?*

The City has obtained a NRPA Permit by Rule for the project from the Maine Department of Environmental Protection. A copy of the permit is attached to this addendum. All conditions of the permit must be adhered to for the duration of the project.

10. *The existing slope on the north side of the Longley Bridge appears to be steeper than 2:1. Will the Contractor be required to use slope protection in this location, and how will it be paid for?*

Upon rechecking the slope grades, it was determined that the slope in question will need to be supported during the construction of the vertical retaining wall. This item will be paid for under 511.07 – Cofferdam, which is included in the revised Bid Form.

11. *Is there a paint spec for structural steel?*

All structural steel shall be unpainted weathering steel.

12. *Can you clarify the difference between vertical and slope retaining wall?*

The Bid Form has been revised to combine these bid items.

13. *Can you provide more information on the ornamental fence?*

The ornamental fence for the project shall match in appearance the existing ornamental fence that was installed as part of the Riverpark project. Additional specification information has been included as part of this addendum.

14. *Are there any dates in which the Contractor is restricted from working?*

The two events which affect the Contractor's schedule are the Fourth of July and the Great Falls Balloon Festival. For the Fourth of July, the Contractor will be restricted from working on July 3, 4, and 5. For the Great Falls Balloon Festival, the Contractor will be restricted from working on August 21, 22, and 23.

15. *Will there be a mobilization item for this contract.*

There will be no mobilization item for this contract.

16. *Can the City provide additional information regarding the detectable warning surfaces at the crosswalk locations?*

Additional information is included in this addendum regarding detectable warning surfaces, including a detail and special provisions.

17. *Are the bridge abutments precast or cast in place?*

The abutments shall be cast in place. Any reference to the abutments being precast shall be deleted and replaced with "cast in place".

18. Will the contractor be paid should the fabric under the existing rip rap be disturbed?

Should the Contractor tear or disturb the fabric under the existing riprap, it shall be Repaired at no additional cost. This work shall be considered incidental to 610.15 - Riprap –Remove and Reset.

19. Are glass beads required for the pavement markings?

Glass beads shall be applied to all pavement markings per MDOT Section 627 – Pavement Markings.

20. Does the bridge curb need to be integral with the bridge deck or can the curb be attached after the bridge deck is placed?

The bridge curb shall be constructed as shown on section 10/S-06 and detail D/S-06 for precast panel deck construction. The Contractor may drill and epoxy the vertical curb dowels into the bridge deck (provide 6" embedment) for either cast-in-place or precast panel deck construction.

21. For Bid Alternate #1, what is included in items 608.08 – Reinforced Concrete Sidewalk, and 608.17 – Brick Sidewalk with Concrete Base?

Both bid items listed above shall include the construction of the concrete sidewalk and brick sidewalk with concrete base only. The removal of existing curb & sidewalk and respective gravel items will be paid separately as outlined in the bid form.

22. Is the Contractor responsible for the cost associated with a police traffic detail?

The Contractor is not responsible for the cost of a police traffic detail, if required. However, it will be the responsibility of the Contractor to notify the police department within 24 hours should a traffic detail be required.

CHANGES TO THE BID DOCUMENTS:**Section 8 – Supplemental Specifications**

The following additions and/or modifications shall be made to Section 8 of the Contract Documents:

Section 511 – Cofferdams**511.01 Description**

This work shall consist of complete construction, maintenance, and removal of all cofferdams, caissons, cribs, sheeting, and other related work, including dewatering, required to allow for excavation and to permit and protect the construction of structural units, in accordance with these specifications.

511.05 Method of Measurement

Cofferdams will be measured as one lump sum unit, as indicated on the plans or called for in the contract.

511.06 Basis of Payment

The accepted quantity of cofferdam will be paid for at the contract lump sum price for the respective cofferdam items.

When required, the elevation of the bottom of the footing of any substructure unit may be lowered, without change in the price to be paid for cofferdams. However, if the average elevation of more than 25% of the area of the excavation is more than 3', below the elevation shown on the plans, and if requested by the Contractor, then the entire cost of the cofferdam will be paid for in accordance with Section 109.7 – equitable Adjustments to Compensation, instead of at the contract lump sum price.

All costs of constructing, maintaining, and removing a sedimentation basin, and pumping or transporting water and other materials to the sedimentation basin will not be paid for directly, but will be considered incidental to the cofferdam pay item.

All costs of related temporary soil erosion and water pollution controls, including inspection and maintenance, will not be paid for directly, but will be considered incidental to the cofferdam pay item.

Section 607 – Ornamental Fencing

The provisions of Section 607 of the Standard Specifications shall apply with the following additions or modifications.

607.001 Description

This work shall include ornamental fencing to be installed as shown on the plans. Material shall be in accordance with Section 607.

607.002 Submittal

Contractor shall supply manufacturer's catalog cuts for specified fencing and/or installation information.

607.003 Materials

The base bid shall include the following fence standard:

1. Ornamental Tubular Steel Fence: "3 Rail Imperial", as manufactured by Monumental Iron Works, or approved equal.
2. Height shall be 48" high.
3. Pickets shall be 1' square high tensile steel tube with a wall thickness of 16-gauge.
4. Posts shall be 3" square, 12-gauge.
5. Post cap shall be flat style.
6. Coating shall be a black, standard electrostatic powder coating finish.

607.004 Construction Requirements

Install fencing as per manufacturer's recommendation in the locations indicated on the plans and in accordance with the details.

607.005 Method of Measurement

All ornamental fencing shall be measured by the linear foot.

Section 608 – Detectable Warnings608.001 Description

This work shall consist of furnishing and installing curb ramp detectable warning plates with truncated domes at the locations shown on the plans or as established by the Resident.

608.003 Materials

The Contractor shall provide new cast iron detectable warning plates as manufactured by one of the manufacturers listed on Maine DOT's Qualified Products list of Cast Iron Detectable Warning Plates. This list can be found at:

<http://www.maine.gov/mdot/transportation-research/qpl.php>

Each field shall match the width of the ramp and shall have a natural finish.

Prior to starting this work, the Contractor shall submit for approval the name of the selected supplier, manufacturer's literature describing the product, installation procedures and routine maintenance required.

Concrete - Portland cement concrete shall meet the requirements of Section 502, Structural Concrete, Class A.

608.004 Construction Requirements

Existing Concrete Curb Ramps - Existing Concrete shall be saw-cut to a dimension 100mm [4 in] larger than the detectable warning plates. New concrete shall be placed in the resulting opening and finished, and the new plates set into the wet concrete, according to manufacturer recommendations. New plates shall be set square with the curb edge and the base of the truncated domes shall be flush with adjacent surfaces to allow proper drainage.

New Concrete Curb Ramps - New concrete shall be placed and finished for the ramp, and the new plates set into the wet concrete, according to manufacturer recommendations. New plates shall be set square with the curb edge and the base of the truncated domes shall be flush with adjacent surfaces to allow proper drainage

New Asphalt Ramps - Asphalt shall be saw cut and removed to provide an opening that will allow for the dimensions of the cast iron plate surrounded by an additional 100mm [4 in] border on all sides of the plate. New concrete shall be placed in the resulting opening and finished, and the new plates set into the wet concrete, according to manufacturer recommendations. New plates shall be set square with the curb edge and the base of the truncated domes shall be flush with adjacent surfaces to allow proper drainage.

608.005 Method of Measurement

Detectable warning fields properly placed and accepted shall be measured for payment by the square meter [ft²]. Measurement shall include actual plate area, not surrounding concrete.

608.006 Basis of Payment

Payment will be full compensation at the contract unit price for all labor, materials, and equipment required to install the detectable warning fields. This shall include surface preparation and removal of concrete or asphalt, and necessary replacement concrete. On new concrete ramps, concrete shall be paid for under separate items.

Section 621 – Landscaping

621.0038 Basis of Payment

The establishment item will be paid on a lump sum basis. Payment shall constitute full compensation for; furnishing and placing plants, digging, delivering, rodent protection,

preparing plant pits, beds and drains; planting, watering, fertilizing, mulching, pruning, and the cleanup of planting areas; for all, fertilizer, mulch, and other necessary materials; all labor, equipment, tools and any other incidentals necessary to complete the work.

Section 652 – Maintenance of Traffic

652.7 Method of Measurement

This entire Subsection is revised to read:

Traffic Control Supervisor, furnishing, installation, and maintenance of all traffic control devices will be measured as one **lump sum** for all work authorized and performed.

652.8 Basis of Payment

This entire Subsection is revised to read:

Traffic Control will be paid for at the contract **lump sum** price. Payment will be full compensation for the Traffic Control Supervisor, approach signs, work area signs, drums, cones, panel markers, barricades, arrow boards etc. and maintenance thereof including the setting up and taking down of lane closures as many times as necessary shall be considered part of the lump sum price.

Maintenance of signs includes: replacing devices damaged, lost, or stolen, and cleaning and moving as many times as necessary throughout the life of the contract, regardless whether the work areas or projects are geographically separated or not separated.

The Lump Sum will be payable in installments as follows: 5% of the Lump Sum once the approach signing is complete and approved, with the 95% balance to be paid as the work progresses at a rate proportional to the percentage completion of the Contract.

Failure by the contractor to follow the Contracts 652 Special Provisions and/or The Manual on Uniform Traffic Control Devices (MUTCD) and/or The Contractors own Traffic Control Plan will result in a reduction in payment, computed by reducing The Lump Sum Total by 5% per occurrence. The Departments Resident or any other representative of The Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item.

All other requirements under the Standard Specifications Section 652 will be a part of the lump sum item.

Bid Forms – Sections 2 and 9

Delete pages 21-22 from Section 2 - Bid Form and pages 175-176 from Section 9- Pull Out Bid Form, and replace with attached bid form.

**BASE BID FORM – LONGLEY BRIDGE UNDERPASS
REVISED**

MDOT Item	Description	Unit	Qty	Unit Cost	Total
203.21	Rock Excavation	CY	25		
203.22	Unclassified Excavation	CY	100		
203.25	Granular Borrow	CY	300		
304.09	Aggregate Base Course – MDOT Type ‘A’	CY	30		
304.10	Aggregate Subbase Course – MDOT Type ‘D’	CY	150		
403.207	Hot Mix Asphalt – 19.0mm – Machine Placed	TON	60		
403.210	Hot Mix Asphalt – 9.5mm – Machine Placed	TON	30		
504.716	Bridge Structure & Assembly	LF	59		
507.08	Heavy Duty Bridge Railing	LF	250		
511.07	Cofferdam	LS	1		
534.76	Precast Concrete Bridge Abutments	EA	2		
605.08	4” Underdrain	LF	260		
607.42	Ornamental Fence	LF	310		
608.251	Precast Concrete Unit Pavers	SF	900		
609.19	Vertical Curb, Type II	LF	255		
610.08	Plain Riprap	CY	50		
610.15	Riprap – Remove and Reset	CY	450		
613.319	Erosion Control Blanket	LS	1		
620.54	Stabilization Geotextile	SY	600		
621.80	Loam, Seed, & Plantings	LS	1		
635.14	Vertical Retaining Wall	CY	250		
652.25	Maintenance of Traffic	LS	1		
652.38	Flagger	HR	40		
656.75	Temporary Soil Erosion and Water Pollution Control	LS	1		
815.40	Precast Concrete Seating	LF	22		
815.401	Precast Concrete Posts	EA	4		
900.1	Nyloplast Drains	EA	2		
Total Base Bid Amount					
Written amount.					

**BID ALTERNATE #1 – COURT & MAIN STREET INTERSECTION IMPROVEMENTS
REVISED**

MDOT Item	Description	Unit	Qty	Unit Cost	Total
202.127	Remove Existing Bituminous Pavement	SY	750		
202.128	Remove Existing Curb and Sidewalk	LS	1		
203.24	Common Borrow	CY	55		
304.09	Aggregate Base Course – MDOT Type 'A'	CY	10		
304.10	Aggregate Subbase Course – MDOT Type 'D'	CY	40		
403.207	Hot Mix Asphalt, 19.0mm – Binder Course	TON	275		
403.208	Hot Mix Asphalt, 12.5mm – Surface Course	TON	165		
604.16	Alter Catch Basin to Manhole	EA	2		
608.08	Reinforced Concrete Sidewalk	SY	200		
608.17	Brick Sidewalk with Concrete Base	SY	350		
608.26	Curb Ramp Detectable Warning Field	SF	56		
608.461	Reconstruct Pedestrian Ramps	EA	7		
609.11	Vertical Curb Type I	LF	300		
609.12	Vertical Curb Type I – Circular	LF	230		
609.50	Concrete Base for Curbing	LF	530		
615.07	Loam	CY	15		
618.13	Seeding Method Number 1	UN	1		
619.12	Mulch	UN	1		
643.71	Traffic Signal, Marking, & Sign Modifications	LS	1		
652.361	Maintenance of Traffic Control Devices	LS	1		
656.75	Temporary Soil Erosion & Water Pollution Control	LS	1		
Total Bid Alternate #1 Amount					
Written Amount:					

ATTACHMENTS:

1. NRPA Permit
2. Riverpark Site Plan – For Information Only
3. TD Banknorth Site Plan – For Information Only
4. MDOT Detectable Warning Surface Detail – Section 608



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
Department of Environmental Protection

David P. Littell
COMMISSIONER

November, 2008

City of Auburn
60 Court Street
Auburn, Maine 04210

RE: Natural Resource Protection Act Application, Auburn, #L-24394-L6-A-N

Dear applicant:

Your application for the above referenced permit has been reviewed by the Department of Environmental Protection pursuant to current statutes and associated rules. Based on this review, the Department has determined that your proposed project is acceptable based on current permitting criteria. Please find enclosed your land use permit. The permit is presented in a format that includes findings of fact relevant to the permitting criteria of the law under which the permit is issued, conclusions based on those facts and conditions of approval. Please carefully read your permit, especially the conditions of approval. If an error has occurred, please let us know and a corrected order will be issued.

Also find attached a copy of the Department's appeal procedure for your information. Project modifications, condition compliance, and transfers applications are available upon request at the regional Department offices listed below.

Please feel free to call me at (207) 287-7848 if you have any questions regarding this project.

Sincerely,

JEFFREY G. MADORE
Division Director
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATEHOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 624-6550 FAX: (207) 624-6024
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-6477 FAX: (207) 764-1507



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's General Laws, 38 M.R.S.A. § 341-D (4), and its Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B) (5)

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Befamiliar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Befamiliar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION: If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF AUBURN
Auburn, Androscoggin County
LONGLEY BRIDGE TRAIL
L-24394-L6-A-N (Approval)

) NATURAL RESOURCES PROTECTION
) FRESHWATER WETLAND ALTERATION
) WATER QUALITY CERTIFICATION
) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of CITY OF AUBURN with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

I. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct an Americans with Disabilities Act (ADA) accessible pedestrian/bicycle trail under the Longley Bridge. The bituminous pavement trail will measure 240 feet long and 10 feet wide with a 60 foot long bridge and hexagonally shaped seating area. The application also includes the installation of retaining walls adjacent the trail to minimize fill within the existing riprap slope. The proposed project is anticipated to enhance pedestrian access from the Riverwalk Trail to the Great Falls Plaza. Currently, Riverwalk pedestrians must cross Court Street to access the plaza. The project will be located within the floodplain, but above the normal high water mark of the Androscoggin River. The applicant will construct the trail to withstand full inundation as the trail will be parallel with the flow direction and without any obstructions.

The applicant will install the two abutments first from an upland parking area located south of Court Street. All work will be performed during normal water conditions, which will allow site construction access during dry conditions. No work will be performed during wet conditions. After abutment installation, the bridge I-shaped beams will be lifted into place and the concrete deck for the bridge poured. The contractor will relocate to the opposite side of Court Street to begin constructing the paved trail. Riprap will be relocated on the embankment to construct a temporary gravel access road to the proposed walkway location. Construction will start from the second abutment and work up the slope to complete the path and associated retaining walls. Work will be performed in stages to limit embankment exposure with erosion control barriers installed along the embankment base and check dams installed along the trail as necessary. The relocated riprap will be utilized for slope stabilization adjacent the trail. The project site is located adjacent to Court Street and the Androscoggin River in the City of Auburn.

B. Current Use of the Site: The proposed project site currently contains a riprap slope measuring 2 horizontal feet to 1 vertical foot and concrete sitting area adjacent to the

Androscoggin River on a 10.5 acre parcel as Lots #9 and #21 on Map #241 on Pages #169 and #38 of Books #1238 and #3849.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

In accordance with Chapter 315, Assessing and Mitigating Impacts to Scenic and Aesthetic Uses, the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site including an aerial photograph of the project site.

The proposed project is located adjacent to the Androscoggin River, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. The proposed project is an expansion of an existing trail and located below a bridge on an embankment stabilized with riprap. The proposed project is not anticipated to alter or impact the scenic viewshed. Based on the information submitted in the application, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department did not identify any issues involving existing recreational and navigational uses.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses of the protected natural resource.

3. SOIL EROSION:

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.

5. WATER QUALITY CONSIDERATIONS:

The Department does not anticipate that the proposed project will violate any state water quality law, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The applicant proposes to alter square feet of 3,200 upland adjacent to the Androscoggin River to construct a bridge, viewing area, and walkway.

The Department's Wetlands and Waterbodies Protection Rules, Chapter 310, require that the applicant meet the following standards:

A. Avoidance. No activity may be pennitted ifthere is a practicable alternative to the project that would be less damaging to the environment. Each application for a Natural Resources Protection Act (NRPA) pennit must provide an analysis ofalternatives in order to demonstrate that a practicable alternative does not exist. The applicant submitted an alternative analysis for the proposed project completed by Woodard & Curran and dated October 15,2008. The applicant has avoided wetland impacts by siting the project entirely in upland. The proposed project will be located under an existing bridge on a stabilized riprap slope to enhance pedestrian access. No work is proposed immediately adjacent to the river nor is any vegetation removal included in the proposal.

B. Minimal Alteration. The amount of wetland to be altered must be kept to the minimum amount necessary for meeting the overall purpose ofthe project. The applicant is unable to minimize the length and width ofthe proposed trail as the project is designed to meet the ADA outdoor access guidelines. In addition, the applicant will install retaining walls to minimize fill installation within the riprap slope.

C. Compensation. In accordance with Chapter 310 Section 5 (C), compensation is not required to achieve the goal ofno net loss of wetland functions and values. The applicant is not proposing to alter 15,000 square feet of freshwater wetland or 500 square feet of wetland of special significance. Therefore, compensation is not required.

The Department finds that the applicant has avoided and minimized wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose ofthe project.

7. OTHER CONSIDERATIONS:

The Department did not identify any other issues involving existing scenic, aesthetic, or navigational uses, soil erosion, habitat or fisheries, the natural transfer of soil, natural flow of water, water quality, or flooding.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably hann any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.

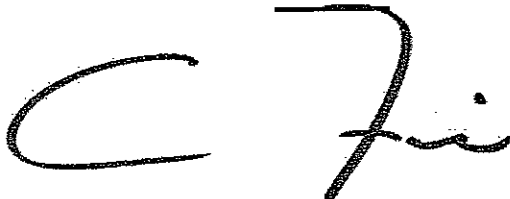
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the above noted application of the CITY OF AUBURN to construct the Longley Bridge underpass and trail, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

- I. Standard Conditions of Approval, a copy attached.
- 2. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date 2008.12.04 10:59:43 -05'00'

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DO/ATS#68935fL24394AN



Natural Resource Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

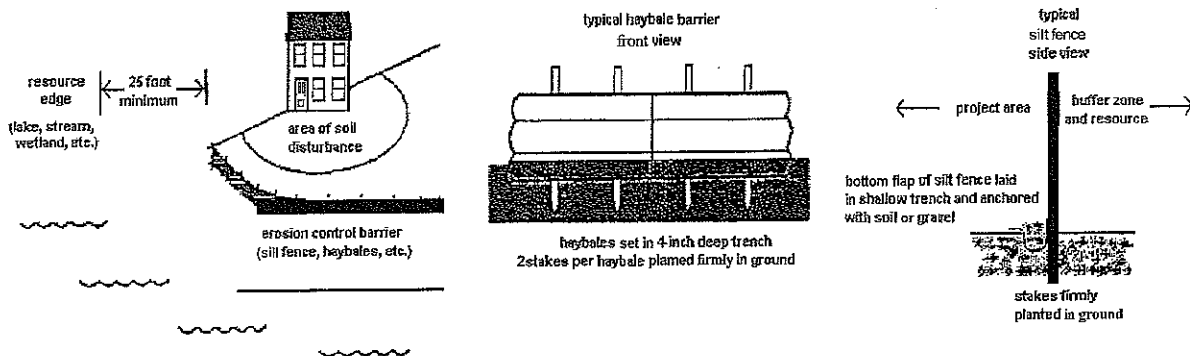
- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Initiation of Activity Within Two Years. If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years form the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. Reexamination After Five Years. If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Erosion Control for Homeowners

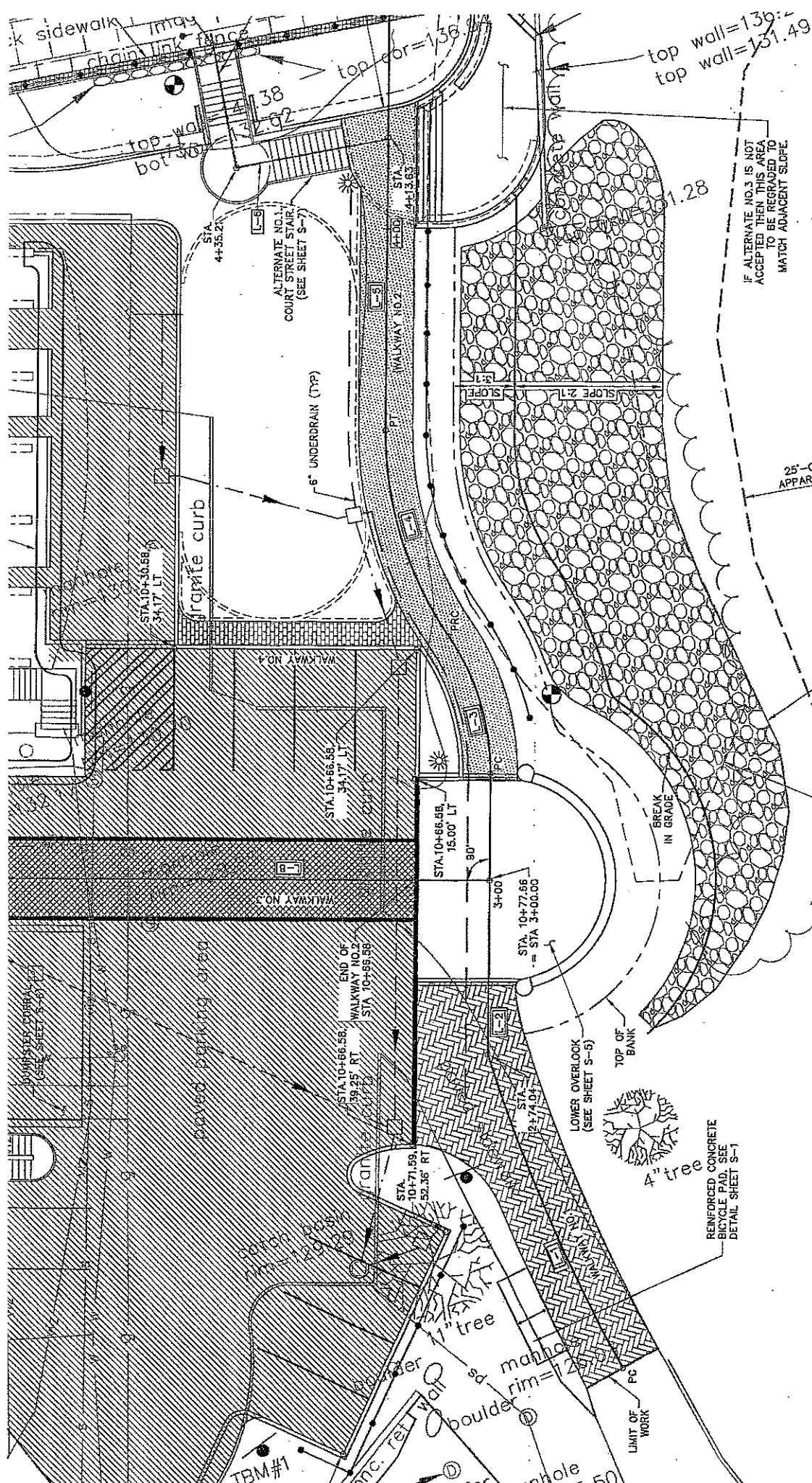
Before Construction

1. If you have hired a contractor, make sure you discuss your permit-by-rule with them. Talk about what measures they plan to take to control erosion. Everybody involved should understand what the resource is, and where it is located. Most people can identify the edge of a lake or river. However, the edges of wetlands are often not so obvious. Your contractor may be the person actually pushing dirt around, but you are both responsible for complying with the permit-by-rule.
2. Call around to find where erosion control materials are available. Chances are your contractor has these materials already on hand. You probably will need silt fence, hay bales, wooden stakes, grass seed (or conservation mix), and perhaps filter fabric. Places to check for these items include farm & feed supply stores, garden & lawn suppliers, and landscaping companies. It is not always easy to find hay or straw during late winter and early spring. It also may be more expensive during those times of year. Plan ahead — buy a supply early and keep it under a tarp.
3. Before any soil is disturbed, make sure an erosion control barrier has been installed. The barrier can be either a silt fence, a row of staked hay bales, or both. Use the drawings below as a guide for correct installation and placement. The barrier should be placed as close as possible to the soil-disturbance activity.
4. If a contractor is installing the erosion control barrier, double check it as a precaution. Erosion control barriers should be installed "on the contour", meaning at the same level or elevation across the land slope, whenever possible. This keeps stormwater from flowing to the lowest point along the barrier where it can build up and overflow or destroy the barrier.



During Construction

1. Use lots of hay or straw mulch on disturbed soil. The idea behind mulch is to prevent rain from striking the soil directly. It is the force of raindrops hitting the bare ground that makes the soil begin to move downslope with the runoff water, and cause erosion. More than 90% of erosion is prevented by keeping the soil covered.
2. Inspect your erosion control barriers frequently. This is especially important after a rainfall. If there is muddy water leaving the project site, then your erosion controls are not working as intended. You or your contractor then need to figure out what can be done to prevent more soil from getting past the barrier.
3. Keep your erosion control barrier up and maintained until you get a good and healthy growth of grass and the area is permanently stabilized.



REVISION A
 REFER TO CHANGE ORDER
 CORRESPONDENCE FOR
 COMPLETE LIST OF CHANGES.

LEG

PAVED SECTION

PROPOSED RIPRAP

WALKWAY NO. 1

- NOTES: 1. THE CONTRACTOR IS RESPONSIBLE FOR PROJECT LAYOUT.
 2. VERTICAL DATUM SHALL BE ESTABLISHED FROM EXISTING MANHOLE RIM ELEVATIONS PROVIDED.

CENTERLINE LAYOUT TABLE

Addendum #2 - For Information Only

BID SCHEDULE	
Item	Description
BASE BID	All work noted on plans and specifications that is not identified as an Alternate Bid Item. Includes work necessary to match adjacent construction if the Alternate is not awarded as noted below.
ALTERNATE No. 1	Court Street Stair- Includes all stair and foundation elements for the stair. If not awarded the Ornamental Fence shall be continuous at the Court Street sidewalk.

LIMITS OF EXISTING RIPRAP. THE CONTRACTOR SHALL REMOVE AND STOCKPILE STONE FOR REUSE AND CONSTRUCT THE ENHANCEMENT TO THE PROPOSED GRADES. INSTALL GEOTEXTILE AND RIPRAP TO LIMITS SHOWN IN ACCORDANCE WITH DETAIL ON SHEET C-4.

IF ALTERNATE NO. 3 IS NOT ACCEPTED THEN THIS AREA TO BE REGRADED TO MATCH ADJACENT SLOPE.

25'-0" SETBACK TO APPARENT HIGH WATER

LIMITS OF PROPOSED RIPRAP SLOPE

LOWER OVERLOOK (SEE SHEET S-6)

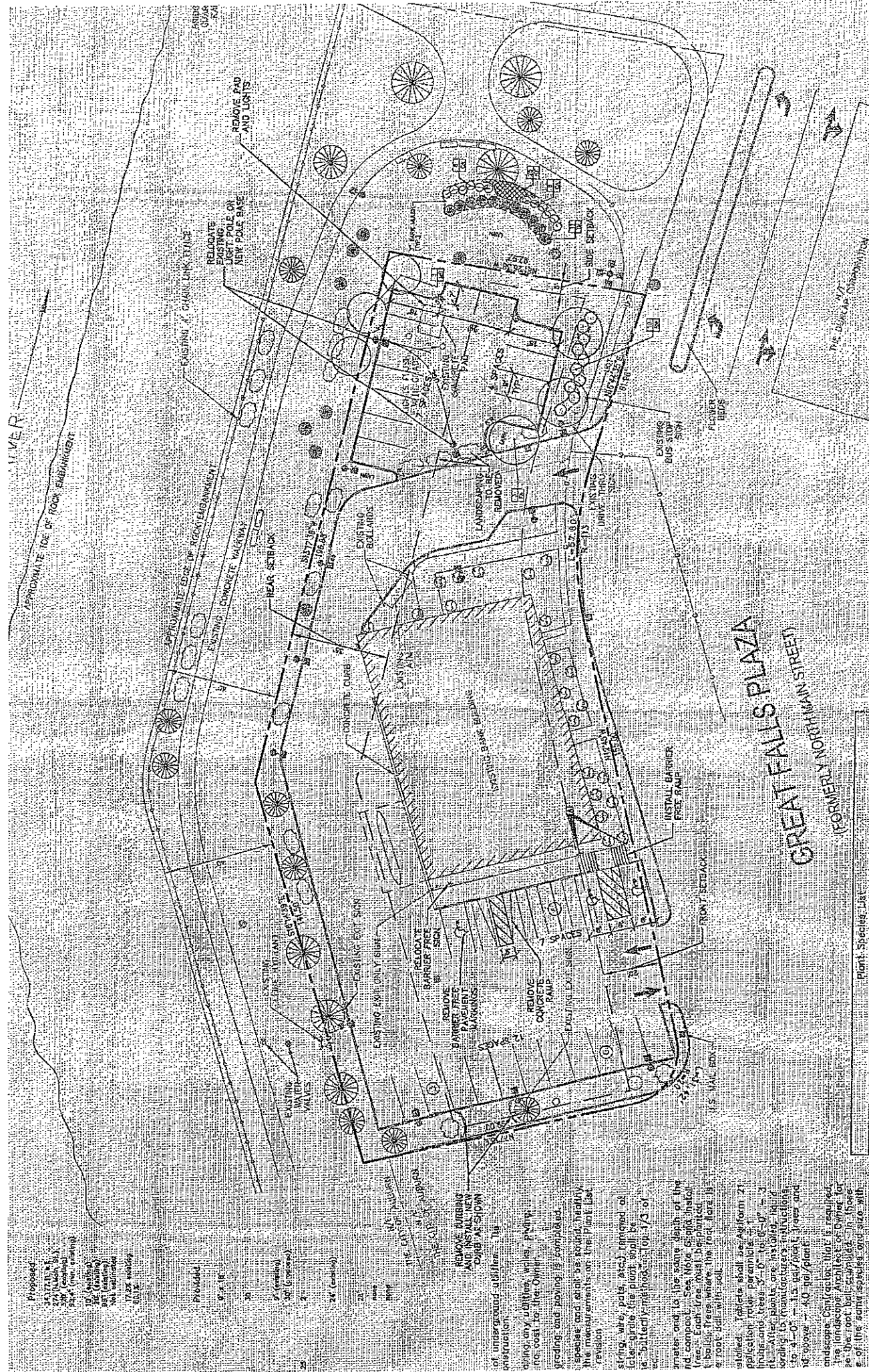


REINFORCED CONCRETE BICYCLE PAD, SEE DETAIL SHEET S-1

LIMIT OF WORK

conc. tel. wall
boulder manhole
125.50

TBM#1

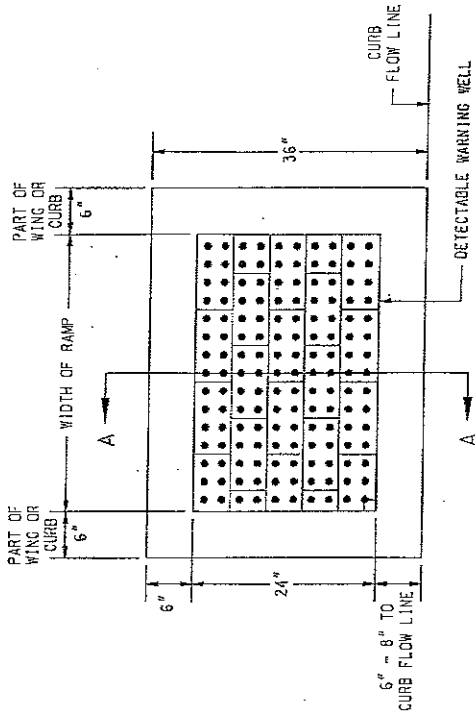


Appendix #2 - For Information Only

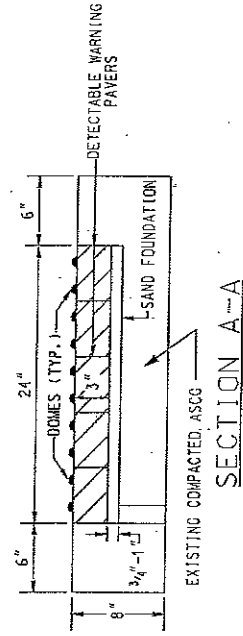
GENERAL NOTES:

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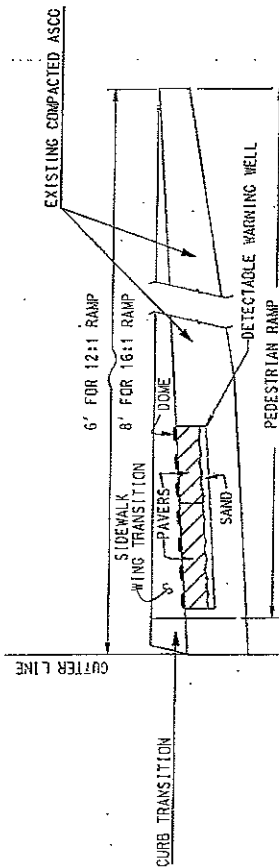
VIEWS AND DETAILS OF THE DETECTABLE WARNING



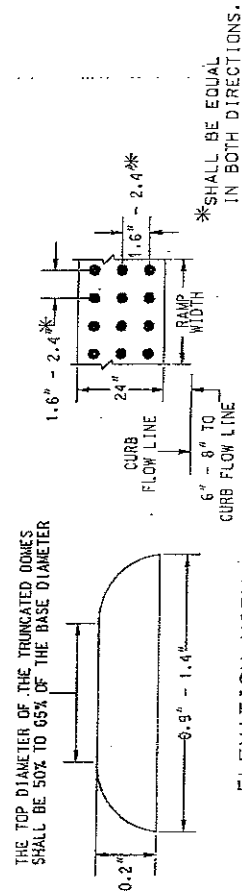
PLAN VIEW OF
DETECTABLE WARNING AND WELL
(PAVERS NOT DRAWN TO SCALE)



SECTION A-A



SIDE SECTION VIEW OF
DETECTABLE WARNING, WELL, CURB, AND GUTTER



PLAN VIEW

ELEVATION VIEW

DOMES AND DETECTABLE WARNING DETAILS

NOTE:
ALL DETECTABLE WARNING AREAS SHALL START 6 INCHES FROM THE FLOW LINE OF THE CURB, AND BE 24 INCHES IN DEPTH, AND COVER THE COMPLETE WIDTH OF THE RAMP AREA ONLY.